

CONDENSED TRANSCRIPT

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)

OLE S ENVELOPE,
LLC, et al.

V

NO. WMN 02-2017

GTD COMPANY,
INC., et al.

Oral deposition of JOSEPH M. O'BRIEN, taken at the law offices of Barley, Snyder, Senft & Cohen, LLC, 1000 Westlakes Drive, One Westlakes Drive, Mack-Cali Board Room, Berwyn, PA, on Tuesday, May 6, 2003, beginning at approximately 10:00 a.m., before Maureen E. Broderick, a Registered Professional Reporter, and Notary Public, pursuant to notice.

EXHIBIT

39



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ORAL DEPOSITION OF JOSEPH O'BRIEN, 05-09-03

46

1 THE WITNESS: Yes.
 2 BY MR. COE:
 3 Q. Kim Robinson was the
 4 salesperson for RO Envelope, right?
 5 A. Yes.
 6 Q. Was she also a salesperson
 7 for RO Express?
 8 A. No.
 9 Q. I'll show you what's been
 10 marked as Exhibit 29 at
 11 Mr. Robinson's deposition, which is
 12 an April 28, 2000 statement for the
 13 GTD account with attached documents.
 14 On the second page, can you identify
 15 the handwriting on the deposit slip?
 16 A. It's Dave's.
 17 Q. Who is United States
 18 Recycling?
 19 A. United States Recycling,
 20 Incorporated? That was a company
 21 that picked up bad envelopes, a
 22 recycling company.
 23 Q. Paper recycling?
 24 A. Yes.

48

1 Phillies?
 2 A. Since LLC took over?
 3 Q. Ever?
 4 A. Well, yeah. Yes.
 5 Q. During what years did RO
 6 Envelope purchase tickets, season
 7 tickets for the Phillies?
 8 A. I don't remember.
 9 Q. Did you have anything to do
 10 with the acquisition of the tickets
 11 for the Phillies?
 12 A. No. No.
 13 Q. Did RO Envelope Company
 14 purchase a whole season's worth of
 15 tickets?
 16 A. I wasn't involved in that.
 17 Q. So you don't know?
 18 A. I don't -- I don't know.
 19 Q. Showing you what's been
 20 marked as Exhibit 30 at
 21 Mr. Robinson's deposition. This is
 22 an April 28, 2000 GTD statement with
 23 attached documents.
 24 Mr. O'Brien, was Precision

47

1 Q. They picked up scrap paper
 2 from RO Envelope Company; is that
 3 right?
 4 A. Yes.
 5 Q. Did they pay RO Envelope
 6 Company for that scrap paper?
 7 A. I guess so. I don't know.
 8 Q. Who was Vincent Varallo
 9 Associates?
 10 A. I don't know.
 11 Q. Who were Robert and
 12 Catherine Lawrence?
 13 A. I don't know.
 14 Q. Do you have any idea why
 15 these checks were deposited into the
 16 GTD account?
 17 A. No.
 18 Q. If you look at the last
 19 page, can you tell me who the
 20 handwriting is on the back of the
 21 checks?
 22 A. Dave's.
 23 Q. Did RO Envelope Company
 24 purchase season tickets to the

49

1 a customer of RO Envelope Company?
 2 A. Yes.
 3 Q. Do you know whose
 4 handwriting is on the deposit slip on
 5 the second page of this exhibit?
 6 A. Mine.
 7 Q. Do you recall filling out
 8 this deposit slip for the Precision
 9 check to go into GTD?
 10 A. No, not really.
 11 Q. Would it have been
 12 deposited for the same reason that
 13 the other checks were deposited?
 14 A. Yes.
 15 Q. Pursuant to Mr. Oechsle and
 16 Mr. Robinson's instructions?
 17 MR. WRIGHT: Objection.
 18 THE WITNESS: Yes.
 19 BY MR. COE:
 20 Q. Next showing you what was
 21 marked as Exhibit 18 at
 22 Mr. Robinson's deposition, which is a
 23 May 31, 2000 GTD statement and
 24 attached documents. This is a check

1 VOLUME II

2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE DISTRICT OF MARYLAND

4 OLES ENVELOPE LLC

5 Plaintiff

6 vs.

#WMN 02-2017

7 GTD COMPANY

8 Defendant

9 /

10 The deposition of HAROLD ROBINSON was
11 continued on Wednesday, April 30, 2003, commencing at
12 10:10 a.m., at the Law Offices of Whiteford, Taylor &
13 Preston, 7 St. Paul Street, Baltimore, Maryland,
14 21201, before Paula J. Eliopoulos, Notary Public.

15 APPEARANCES:

16 WARD B. COE, ESQUIRE
17 On behalf of Plaintiff

18 JEFFERSON WRIGHT, ESQUIRE
19 On behalf of Defendant

20 ALSO PRESENT:

21 VICKI YOUNG and MARK MODERACKI

REPORTED BY: PAULA J. ELIOPOULOS

EXHIBIT

39

<p style="text-align: right;">336</p> <p>1 A No. 2 Q Did you ask for one? 3 A No, not that I know of. I know he had to 4 open up the account. I know we had to put money in 5 it. So, you know, I guess I would have to assume that 6 it was money left in the account that we left in there 7 when we opened the account.</p> <p>8 MR. COE: Let's take a couple minute 9 break.</p> <p>10 (Pause in the proceedings.)</p> <p>11 Q Mr. Robinson, I'm going to show you 12 Exhibits 25 and 26 which were from the first day.</p> <p>13 MR. COE: Do you have copies of those, 14 Jeff?</p> <p>15 MR. WRIGHT: I do, yes.</p> <p>16 THE WITNESS: Okay.</p> <p>17 Q I'll represent to you that this is -- 18 these are statements for the GTD account --</p> <p>19 A Okay.</p> <p>20 Q -- as of October -- strike that -- as of 21 December 31st, 1999.</p>	<p style="text-align: right;">338</p> <p>1 Graphic check that is the deposit of December 10th. 2 Do you see that? In the amount of \$1,565? 3 A Okay. 4 Q And on -- 5 A Excuse me one second. Are these the same? 6 Q No. They're different. 25 and 26 are 7 different except the first page is the same, okay? 8 A Oh, okay. 9 Q And if you look at 25, again, there's a 10 deposit of two Links Graphic checks -- 11 A Uh huh. 12 Q -- in the amount of \$3,149.55 -- 13 A Right. 14 Q -- on December 1st. 15 A Okay. 16 Q Do you see that? 17 A Yes. 18 Q And I'll represent to you that on 19 December 29th, there was a deposit of \$3,426.59. 20 A Uh huh. 21 Q And that was from the closeout of the old</p>
<p style="text-align: right;">337</p> <p>1 A Uh huh. 2 Q And you see that there is a wire transfer 3 into the account of \$17,413.70 -- 4 A Yes. 5 Q -- on December 29th? 6 A Yes. 7 Q And is it your understanding that that was 8 the tax payment that you and Mr. Oeschle were entitled 9 to? 10 A Yes. 11 Q And was that a tax payment that was to be 12 split between the two of you? 13 A Yes. 14 Q And what were those taxes for? 15 A That was part of the agreement of sale 16 that Oles Envelope would pay the asset taxes. 17 Q Right. 18 A Whatever the asset taxes on the equipment 19 of the -- acquisition of the equipment. 20 Q And we earlier identified, first on 21 Exhibit 26, that there was a deposit of a Links</p>	<p style="text-align: right;">339</p> <p>1 RO Envelope Company account. 2 A Okay. 3 MR. WRIGHT: I'm sorry. The 4 representation was that on December 29th, there was a 5 deposit of -- 6 MR. COE: \$3,426.59. 7 THE WITNESS: Uh huh. 8 MR. COE: As a closeout of the old 9 RO Envelope Company account. 10 THE WITNESS: Okay. 11 MR. WRIGHT: As reflected on the first 12 page of each of these Exhibits. 13 MR. COE: Yes. 14 Q Do you have any information about that 15 deposit? 16 A Which one? 17 Q On December 29th, 1999 in the amount of 18 three thousand -- 19 A The closeout of the old account? 20 Q Yes. 21 A I believe I told you yesterday -- or I'm</p>

1 sorry, not yesterday -- Friday -- 2 Q Uh huh. 3 A -- I thought it was \$2,500, but I wasn't 4 sure. But that closeout was directed by John Hutson 5 to be placed in GTD. My understanding of it, okay. I 6 didn't see any of these transactions. 7 Q And that was an understanding that you got 8 from Mr. Oeschle? 9 A Correct. 10 Q Some time after it occurred? 11 A Right. That that was -- that John Hutson 12 had directed that to go into the account and that he 13 would wire the difference up in taxes, and then the 14 two \$10,000 checks that followed were for the taxes. 15 Q Did that explanation make sense to you? 16 A In what way? 17 Q Did it make sense to you that you should 18 deposit the old RO Envelope Company account balance 19 into the GTD account? 20 A Well, John Hutson, who was the chief 21 financial officer of Oles Envelope, said to do it that	340 1 the first day of your deposition. 2 A Okay. 3 Q And I think -- well, you indicated before 4 that you believe that Mr. Oeschle either gave you or 5 Mrs. Robinson this and that Mrs. Robinson probably 6 deposited it; is that correct? 7 MR. WRIGHT: This being? 8 A You're talking about the \$10,000 check 9 there? 10 Q Yes. 11 MR. WRIGHT: This being the second page of 12 the Exhibit, I think; right, Ward? 13 MR. COE: Yes. 14 MR. WRIGHT: I want you to look at the 15 right page here. 16 THE WITNESS: I can't tell by these 17 documents. 18 Q Okay. 19 A It looks -- I can't tell by the documents. 20 But the check was deposited into our account, 21 regardless.
341 1 way. Who was I to argue with it? 2 Q I wasn't asking you to argue with it. I 3 was asking if it made sense. 4 A Why would I even try to make sense out of 5 it? It wasn't my decision. 6 MR. WRIGHT: Why don't you not ask 7 questions back? Just respond to his questions. It 8 makes for a messy transcript. Just answer the 9 question. 10 THE WITNESS: Okay. 11 MR. WRIGHT: The question is, just so we 12 can be clear about it, did it make sense to you? 13 MR. COE: Right. 14 MR. WRIGHT: Would you answer that 15 question. 16 THE WITNESS: I don't know. 17 Q In any event, you didn't question the 18 explanation? 19 A I didn't think about it, and I didn't 20 question it, right. 21 Q I'm also showing you again Exhibit 14 from	343 1 Q Did you ask Mr. Oeschle why you were 2 getting \$10,000? 3 A I'm sure I did. 4 Q Do you recall? 5 A It had to do with the taxes. 6 Q Do you actually recall a conversation with 7 Mr. Oeschle about that subject? 8 A Yes. 9 Q What did Mr. Oeschle say? 10 A It's for the taxes. 11 MR. COE: Could I have this marked as the 12 next Exhibit, please. 13 (Robinson Deposition Exhibit Number 45 was 14 marked for purposes of identification.) 15 Q Mr. Robinson, could you identify 16 Exhibit 45, tell me what it is? 17 A No. 18 Q Did you have an executive corporate card 19 that you made charges on prior to October 1st, 1999? 20 A Yes. 21 Q And do you see that on the third page of

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Oral deposition of KIMBERLY ROBINSON, taken at the law offices of Barley, Snyder, Senft & Cohen, LLC, 1000 Westlakes Drive, One Westlakes Drive, Mack-Cali Board Room, Berwyn, Pennsylvania, on Tuesday, May 20, 2003, beginning at approximately 10:45 a.m., before Maureen E. Broderick, a Registered Professional Reporter, and Notary Public, pursuant to notice.

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40



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ORAL DEPOSITION OF KIMBERLY ROBINSON, 05-20-03

62

1 my inside person, who knew nothing
 2 about my customers. Then she left.
 3 So then Linda was going to
 4 do it again, and that never
 5 happened. Stuff like that. We're
 6 going to do this, you know, hang in
 7 there, and just -- you know, promises
 8 of things that never came, like
 9 better deliveries, better turnaround
 10 time for getting quotes back.

11 Q. Who was in charge of
 12 getting quotes back?

13 A. That's a good question. It
 14 became so crazy at the end, I don't
 15 even know. We were supposed to use
 16 this new quoting system that was so
 17 hard. You know, I don't even know if
 18 the Exton location ever even used
 19 that quoting system because it was so
 20 difficult.

21 I mean, I know Vicky used
 22 our original one, Linda was using our
 23 original quote system, just to get
 24 the quote done.

64

1 letter resigning, correct?
 2 A. Yes.
 3 Q. To this day, or at any
 4 time, did you talk to anyone at Oles
 5 about why you were resigning?

6 A. No.
 7 MR. COE: Can we just take
 8 a couple minute break?
 9 (Brief recess.)

10 BY MR. COE:

11 Q. When did you first get in
 12 contact with Rite about being
 13 employed there?

14 A. End of August.

15 Q. How did you get in contact
 16 with them?

17 Just to clarify, August of
 18 2001?

19 A. Yes, August of 2001.
 20 Called him.

21 Q. Called Mr. Newman?

22 A. Yes.

23 Q. How did you know to call
 24 Mr. Newman?

63

1 Q. When did the new quoting
 2 system start?
 3 A. Gosh, maybe -- I don't
 4 know. Because I didn't really do a
 5 lot of quotes. And I never got into
 6 using the new system. I know my dad
 7 and Dave did. So they would be
 8 better suited to tell you when that
 9 started.

10 Q. Were Mr. Robinson and
 11 Mr. Oechsle the people who were
 12 primarily responsible for getting
 13 quotes out --

14 A. Yes.

15 Q. -- when they were there?

16 A. Yes.

17 Q. Did that become
 18 disorganized after both of them left?

19 A. Yes.

20 Q. When you resigned, did you
 21 talk to anybody at Oles about why you
 22 were resigning?

23 A. No.

24 Q. I know that you wrote a

65

1 A. Rite Envelope was one of
 2 our biggest competitors. So I chose
 3 to call him as well as another one of
 4 our competitors.

5 Q. Did you know Mr. Newman?

6 A. Yes.

7 Q. How did you know him?

8 A. Through the business, known
 9 him for years. He used to work right
 10 down the street from our Exton shop.

11 Q. What did you tell

12 Mr. Newman?

13 A. I didn't really tell him
 14 anything. I just asked if he was
 15 interested in hiring any more
 16 salespeople.

17 Q. What was his response?

18 A. He said sure. He said yes.

19 Q. Do you recall anything else
 20 about the conversation?

21 A. No.

22 Q. Did you subsequently have
 23 an interview with him?

24 A. Yes.



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ORAL DEPOSITION OF KIMBERLY ROBINSON, 05-20-03

66

1 Q. Tell me what took place at
 2 the interview.
 3 A. I told him that I was
 4 interested in changing my employment
 5 and I told him approximately what my
 6 sales were. And he told me he would
 7 make me an offer and then I could
 8 decide from that. And I asked a lot
 9 about Rite Envelope as well.

10 Q. What did you tell him your
 11 sales were?

12 A. I told him they were
 13 between \$80 and \$100,000 a month.

14 Q. Do you recall anything else
 15 about the interview with Mr. Newman?

16 A. No.

17 Q. What happened next?

18 A. That day?

19 Q. No. With respect to
 20 getting a job at Rite.

21 A. He made me an offer. It
 22 was in a sealed envelope and I took
 23 it from him, took it home and I read
 24 it and I was, I mean, still making a

68

1 and some I wasn't.

2 Q. Which ones were you able to
 3 bring?
 4 A. ClientLogic, QVC --
 5 initially?

6 Q. Yes.

7 MS. FREDERICK: What was
 8 the question?
 9 BY MR. COE:

10 Q. Which clients were you able
 11 to bring, to take with you to?

12 A. Yes. ClientLogic, QVC,
 13 DVL, Southwest Graphics, WSFS.

14 Q. What is WSFS?

15 A. Wilmington Savings Fund
 16 Society.

17 Q. Were they a long-term
 18 customer of RO's?

19 A. Yes.

20 Q. Were there others you were
 21 able to bring with you to Rite?

22 The ones you mentioned that
 23 you discussed were Precision?

24 A. Yes.

67

1 decision, so, you know, it was really
 2 up in the air. I hadn't really made
 3 a decision to work there or the other
 4 place I had looked.

5 Q. What was the other place?

6 A. NEI.

7 Q. Did you also get an offer
 8 from them?

9 A. No. It never actually got
 10 as far as, you know, that.

11 Q. In your conversations with
 12 Mr. Newman, did you have any
 13 discussions about which RO customers
 14 you thought you could bring to Rite?

15 A. Yes.

16 Q. Which ones did you say you
 17 thought you could bring?

18 A. I thought that I could
 19 bring ClientLogic, I thought that I
 20 could bring QVC, Precision, DVL,
 21 Alcom, Independence Blue Cross,
 22 Independence School Management,
 23 Southwest Graphics, Enoch,
 24 E-N-O-C-H. And some I was able to

69

1 Q. Were you able to bring them
 2 to Rite?

3 A. Yes. Not immediately.
 4 Same with Independence Blue Cross, I
 5 didn't start getting business from
 6 them until June of 2002.

7 Q. How about Alcom?

8 A. Alcom, that was kind of --
 9 yeah, same, I thought I could bring
 10 some business with them. I had just
 11 made contact with them at Oles
 12 Envelope. So dribs and drabs.

13 Q. You did bring some business
 14 from Alcom to Rite?

15 A. Yes.

16 Q. How about Enoch?

17 A. Enoch, no. Never was able
 18 to bring him along. Same with
 19 Independence School Management. Some
 20 people get spooked when you switch
 21 companies. And so she went out and
 22 got quotes and was successful with
 23 another local company. So I lost
 24 that one as well, as Southwest



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